IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JOHN BRYANT

Serial No.:

10/691,253

Filing Date:

10/22/2003

Title:

APPARATUS AND METHOD FOR DISPLAYING

SUBSURFACE ANOMALIES AND SURFACE FEATURES

Examiner:

Donald E. McElheny, Jr.

Art Unit:

2857

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

DECLARATION OF JOHN BRYANT

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or any patent issuing thereon, declares that all statements made of his own knowledge are true; and all statements made on information and belief are believed to be true.

- 1. I am the inventor of the United States Application No. 10/691,253 entitled Apparatus and Method for Displaying Subsurface Anomalies and Surface Features filed on October 22, 2003 ("Application").
- 2. I believe that I am the original and first inventor of the apparatus and method disclosed and claimed in the original and amended claims 1-65 of the Application.
- 3. The invention as disclosed in the Application relates to a method of combining geological data and computer software programs to arrive at a composite graphical

Atty. Docket 18634.0112 S/N 10/691,253
Patent

representation of a construction or building site synchronized with a color coded "map" of the subsurface features.

- 4. I conceived of the invention disclosed and claimed in the original and amended claims 1-65 of the Application before October 16, 2002.
- 5. In 1999 I began work on the invention prompted by the need to combine various types of data into a combined three dimensional graphical representation for viewing.
- 6. Initially, I purchased electrical equipment to gather resistivity data from soil. The purchases of the hardware and the AGI Supersting software are reflected in the invoice attached as Exhibit A. The invoices range in date from 1998 through 2001. The resistivity data included data related to moisture content, data related to voids and data related to subsurface anomalies. The resistivity data was also derived through use of the equation" R = (V/I)K, where K is an electrode geometric constant, R is resistance, V is voltage and I is current. The resistivity data could be obtained by choosing placement of electrodes in the soil. Placements commonly referred to as the Wenner arrangement, the Schlumberger arrangement and the dipole dipole arrangement were used to obtain resistivity data.
- 7. It was conceived that a word processing program, such as the Wordpad software could be used to eliminate statistical outliers and to remove text and other extraneous data produced by the AGI Supersting program. Wordpad is part of a software program included in Window 95 with Explorer. Attached as Exhibit B is a copy of a receipt from MicroCenter with a date of February 18, 1997 showing when a copy of Wordpad was purchased to be used in development of the invention.
- 8. During development of the invention, it was conceived that the modified data would be susceptible to a "curve fit" routine to display the resistivity data in "slices". This

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routine requires a least squares data inversion analysis to be performed on the modified data. To further accomplish the curve fit task, I used software titled Res3Dinv and Res2Dinv purchased from Advanced Geosciences, Inc. to convert the modified data into a 2 dimensional or 3 dimensional graph of the contoured surfaces by using a least squares data inversion analysis. Attached as Exhibit C is a copy of an invoice received from Advanced Geosciences, Inc. The date of this invoice is January 29, 1999.

- 9. In the winter of 1999, during development of the invention, I conceived seismic data could also be used to create a three dimensional graphical representation. Soon after, I conceived that the seismic data would need to be enhanced before it could be used to obtain an accurate graphical representation of the subsurface data. Once I had enhanced the seismic data, it was conceived that it could be downloaded into the EVS program.
- 10. During the development of my invention, I conceived that ground penetrating data could also be used to create a three dimensional graphical representation. To obtain the ground penetrating radar data, I purchased a hardware and software package titled SIR-3000. Attached as Exhibit D is a copy of a customer statement from Geophysical Survey Systems, Inc. for this purchase. The date of this statement is November 11, 1999.
- 11. It was conceived that I would need to enhance the ground penetrating radar data before any further graphical representation could be created. I decided to use a software program titled Radan, to enhance this data to include applying user specific gains, setting the data to time zero and specifying he dielectric permeability of the survey area. A customer statement reflecting my purchase of the Radan software from Geophysical Survey Systems, Inc. showing a date of November 11, 1999 is attached as Exhibit D. At this point, I believed the ground penetrating radar data was in a condition where an accurate graphical representation of the

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location and subsurface anomalies could be exported into software to create a VRML model and create both 2 dimensional and 3 dimensional representations.

- 12. I conceived that I could use the EVS software program to use ground penetrating radar data, resistivity data and seismic data to create 2 dimensional and 3 dimensional VRML models of the subsurface features and a 3 dimensional model of the above ground structures. I purchased the EVS software program sometime in 2000. An invoice that I received from C-Tech Development Corp. with a date of March 15, 2000 is attached as Exhibit E.
- 13. During further development of the invention in regards to the resistivity data, I determined that further spatial geostatiscial analysis needed to be performed on the resistivity data before it could be downloaded in the EVS software program. I conceived that I could use a software program titled "Surfer" to perform tasks such as kringing, cokringing and analysis on the resistivity data. Attached as Exhibit F is a copy of an invoice received from Golden Software Inc. with a date of June 7, 2001 showing when "Surfer" software was purchased.
- 14. Now that I had modified the resistivity data, it was ready to be loaded into the EVS software program that I already had in my possession as shown through Exhibit E.
- downloaded into the EVS software program, I used AUTOCAD to create 3 dimensional frame models of the surface structures such as vegetation, buildings, other elements of the surface structure and below the surface ground structures. Attached as Exhibit G is a copy of an invoice received from CADVisions, Inc. with a date of June 21, 2000 reflecting my purchase of an AUTOCAD program. I imported the 3-dimensional frame model created with AUTOCAD into the EVS software program. I overlaid an acrial photograph over the AUTOCAD wire frame model. When the AUTOCAD model was imported into the EVS program, the AUTOCAD

model and the chanced subsurface data were spatially synchronized or aligned so that one complete VRML model of both the above ground structures and the subsurface features could be created. I displayed the VRML model in a number of different ways such as a webpage. I also manipulated the VRML model such as rotating it. Further, I used the VRML model to view a 2 dimensional slice of the composite graphical representation. Also, I saved the VRML files in various ways such as in an .AVI file or an HTML file at or around this time period.

- 16. Attached as Exhibit H is a printout of a VRML model generated in the fall of 2000. The printout shows that my invention actually existed and worked for its intended purpose before October 16, 2002. This printout is the result of combining subsurface resistivity data along with above surface structural data to arrive at a composite graphical representation by providing subsurface mapping data, creating a subsurface model of subsurface features from the subsurface mapping data, creating a wire frame model of an above surface feature, overlaying the wire frame model with a pictorial representation of the above surface feature and combining the wire frame model with the subsurface model to produce a composite graphical representation.
- 17. Exhibit H also serves as evidence that I conceived and reduced to practice a 3 dimensional model comprising a graphical model of subsurface mapping data, a spatial model of an above ground object and a 2 dimensional image of the above ground object superimposed on the spatial model and spatially synchronized with the graphical model of resistivity data existed and worked for its intended purpose before October 16, 2002.
- 18. Exhibit H also serves evidence that I conceived and reduced to practice a method of creating a graphical model comprising the steps of: testing to determine the subsurface mapping data; enhancing the data; constructing a wire frame model of an above ground structure;

providing a pictorial representation of a plan view of the above ground structure; combining the pictorial representation with the wire frame model; aligning the subsurface mapping data with the combined pictorial representation an wire frame model and merging the subsurface mapping data with the combined pictorial representation and wire frame model actually existed and worked for its intended purpose before October 16, 2002.

19. Exhibit A-H along with my supporting statements in paragraphs 1-18 of this declaration are sufficient to support my allegation that before October 16, 2002 that my invention was conceived, that my invention was definite and permanent enough that one of ordinary skill in the art could understand the invention and that my invention was actually reduced to practice.

I testify that the above facts are true and correct. I understand that this declaration is made under the possible penalty of perjury.

EXECUTED this 16th day of September, 2005.

John Bryant

Tel. (512) 335-3338 Fax (512) 258-9958 Email: agi@agiusa.com Web Site: http://www.agiusa.com

P.O. Box 201087 Austin, Texas 78720-1087 USA

INVOICE

Page 1 of 2

Sold To: DIVERSIFIED CAPITAL CREDIT CORP.

109 E. North St.

New Castle, PA 16101

Tel: (724) 652-7700 Fax: (724) 652-7799 Attention: Mr. Brian DeVivo

Ship To:

BRYANT CONSULTANTS, INC.

4393 West Grove

Addison, TX 75248

Date: May 6th, 1998

Invoice #: 980505-BCI

Reference: P.O. # 0098-672-01A

2D & 3D AUTOMATED EARTH RESISTIVITY IMAGING SYSTEM

1. 1 910000 STING-R1, memory earth resistivity \$ 9,500.00 \$ 3,500.00	ITEM	QTY	PART#	DESCRIPTION		PRICE		EXTPRICE
1.1					*		¢	
1.1 1 911000 Sting R1, basic unit. S/N: 72085184 1.2 1 911100 Clip on battery pack, Nicad Cells. 1.3 1 911150 Charger, 110/220 V AC. 1.4 1 911501 Charger Input Cable. 1.5 1 920009 Data download cable for PC interface. 1.6 1 920008 Data download software for MS DOS or MS Windows. NS Windows. NS Windows. 1.7 1 911001 Instruction Manual 1.8 1 F22A250v Fuse's 1.9 1 920020 Test resistor 1.10 1 920026 Allen Wrench, 9/64 ". 2. 1 911900 Heavy duty rugged carrying case for the Sting, protects the Instrument against dirt and scratches during the measurement process. \$ 95.00 \$ 95.00 3. 1 920029 Carrying harness for the Sting, protects the Instrument against dirt and scratches during the measurement process. 4. 1 930000 SWIFT, automatic electrode switching system for the Wenner, Schlumberger, Dipole-Dipole and a wide variety of other electrode arrangements, comprising; 4.1 1 931000	1.	7	910000		₽	9,500.00	Ψ	3,500.00
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Tel. (512) 335-3338 Fax (512) 258-9958 Email: agi@agiusa.com Web Site: http://www.agiusa.com

P.O. Box 201087 Austin, Texas 78720-1087 USA

INVOICE

Page 2 of 2

Date: May 6th, 1998

Reference: P.O. # 0098-672-01A

2D & 3D AUTOMATED EARTH RESISTIVITY IMAGING SYSTEM

ITEM	QTY	PART#	DESCRIPTION	PRICE	EXTPRICE
5.	1	933500	SWIFT, general purpose cable set with QUICK RELEASE ELECTRODES for dipole-dipole, Wenner, Schlumberger and a wide variety of other resistivity array types. Comprising two cables, 2 X 14 smart electrodes at 12 meter intervals with 7 meters of lead in and out.	\$ 14,604.00	\$ 14,604.00
6.	1	933010	Wooden rugged field carrying cases for cable set.	\$ 100.00	\$ 100.00
			SUBTOTAL		\$ 26,889.00
			Sales Tax @ 8.25%		\$ 2,218.34
			TOTAL FOB Austin, Texas:		\$ <u> 29,107,34</u>

TERMS ARE: 30% WITH ORDER AND 70% Due upon on-site inspection at Advanced Geosciences, Inc. by Bryant Consultants.

OR: Cash-in-advance, Our banking information is:

ABA # 111000614 Bank One, Austin Texas for Advanced Geosciences, Incorporated. Account # 188 0696 040.

Angela Phelps, Bookkeeper

Advanced Geosiences, Incorporated

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Date: 02/24/04 at 2:13 PM

Advanced Geospionies, Inc.

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933206	Connector All filled Switch Receptables 24-57:100-59	604623	SCO (MAN)	RΑ	2.000000	48.00	Y
933216	Backing Hardware for Receptacle #938205 QC Cobje	011626	MANA 1 0003	EA	5.00000	150.00	Y
332110	Rubber splicing tape, 9,145	05.1626	NAM / 002	EA	0.500000	12,00	v
911305	Binding Posts Red 8850	001626	MAM / 001	Er.	1.00000	10.00	
38201	Swift/Sting Communication Cable	001628	MAM DOS	EA	1.000000	142.00	-
41000	Sling EPROM upgrade	001626	NAM / 001	EA	1.000000	5D.00	
11307	Switch Toggle DPOT (On-Hone-On)	001626	MAN: 001	(EA,	1.000000	15,00	
31026	Swift Interface Goard	OC 1928	MAME DOG	Es.	1.00000		
11410	ECO #20007 Fower Supply Modu-Sting Boards	0 016 2 6	DEF/ WAR	AB	1.000000	100,00	
11413	ECO #20008 Sting Rec. Board Reset Circuit Mod.	001626	DEF / WAR	EA	1.000000	0.00	Y
11418	ECC #20009 Sving Stand Off Upgrade	00/626	DEFI WAR	EA	1.000000		
10KB1/4TH	Resistor 10K ohm 1% 289/17R	04.1826	DEF : WAR	E.A.	6.000000	0.00	
100B1/4TH	Resistor 100 olan .154 .200y 734	00-026	USF / MAR	EA	2.000000	6.00	
1KB1/4TH	Resistor nK ohio .4% 250/ 14	40%326	DEEP / WAR	EΑ	2.000000	2.00	
0015N450V	PolyFoil Cap,15nF6cctV,405V	001626	DOF / WAR	EΑ	2.000600	2.00	
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THE COMPUTER DEPARTMENT STORE®

MICRO CENTER KEYSTONE PARK SHOPPING CENT 13929 NORTH CENTRAL EXPRESS DALLAS, TX 75243 (214) 664-A500

02/18/97 6:16 PM DATE:

REFERENCE: 131-WC-661240

SALES ID: RH6128

ASSOCIATE: RICHARD HANSEN

STATION: DLWC2 #1

SALES RECEIPT SALES RECEIPT SALES RECEI

SHIP VIA: Pick-Up

JOHN BRYANT 9848 RIDGEHAVEN DALLAS, TX 75238

大型 化极纯 网络蜂类 医维拉克斯勒 集场 "'''''" " 人工,只见一个人。 (214)

YTO	DESCRIPTION		UNIT PRICE	AMOUNT
1	16MB RAM (2X64 MAC DIMM)	059196	129.00	129.00
1	8MB RAM (1X64 MAC DIMM)	059170	69.00	69.00
1.	PWRMAC 7200/PC COMPATIBLE . SERIAL NUMBERS:	406785	1,799.00	1,799.00
1	SXB6510YW8F9 APPLE 15" MULTISCAN DISPL . SERIAL NUMBERS: CJ6018PM39X	885699	399.00	399.00
4	Build Charges	BUILD	29.00	29.00
1	SUPRA EXPRESS 336 (MAC) .	329433	129.99	129.99
1	WINDOWS 95 W/EXPLORER 3.5" IBM VER 4.	394577	189.99	189.99
	Installation	INSTAL	25.00	25.00
1.	APPLE DESIGN KEYBOARD . PLATINUM PH #972-918-9315	860049	89.99	89.99
	IEEE1284 DB25M/CEN 36M 6' .	039586	16.95	16.95
	SURGE PROTECTOR .	166629	6.99	6.99
		SUBTOTAL:		2,883.91
		TAX:		237.91
		TOTAL:		3,121.82
	·			
	TENDER FOR: 5856370020795291 MICRO CENTE	131-WC-661240 R CARD		3,121.82
	NET DUE:			0.00
	CCT: 5856370020795291 \$3,121.82 AUTHORI	ZATION: 32415		

Please see reverse side.

CONTINUED)

THE COMPUTER DEPARTMENT STORE 6:16 PM REFERENCE: 131-WC 661240

13929 NORTH CENTRAL EXPRESS DALLAS, TX 75243 (214) 664-8500

SALES ID: RH6128

ASSOCIATE: RICHARD HANSEN

STATION: DLWC2 #1

SALES RECEIPT SALES RECEIPT SALES RECEI

I M Subbatant in the

SHIP VIA: Pick-Up

JOHN BRYANT 9848 RIDGEHAVEN DALLAS, TX 75238

(214)

UNIT AMOUNT. **DESCRIPTION** QTY PRICE agree to pay above tredit tard total (s) according Card Issuer Agreement (Merchant Agreement if Credit Voucher). dustomer Signature

Please see reverse side.

Tel. (512) 335-3338 Fax (512) 258-9958

Email: agi@agiusa.com Web Site: http://www.agiusa.com

P.O. Box 201087 Austin, Texas 78720-1087 USA

INVOICE

Bryant Consultants, Inc. 4393 Westgrove Dallas, TX 75248

Ph: 972 713-9109 Fax: 972-713-9171

Invoice Date: January 29, 1999

Contact: Mr. Brian T. Lucas Invoice No.: 990129-BCI

EARTH RESISTIVITY IMAGING EQUIPMENT

Item	Qty	Part Number	Description	Unit Price \$ USD	Total \$ USD
1	1	RESINV	Res3Dinv, 2D and 3D resistivity imaging software for inversion of apparent resistivity data. For use with MS Windows 3.xx or Windows 95. S/N 88	3,200.00	3,200.00
				Subtotal	3,200.00
				Texas Sales Tax	264.00
			Total FO	B Austin, Texas	3,464.00

Payment terms:

Net 15 days

Conditions:

Software dongles are licensed to the end-user upon purchase. Due to the licensing requirements set forth by the licensor, M. H. Loke, once licensed to an end-user, software dongles cannot be re-licensed, and therefore, may not be returned for credit, exchange, or transfer of the license to a different end-user. Licensed dongles may only be returned for software upgrades purchased by the licensee.

Note: No record was found where you had previously purchased a Res2dinv dongle so the multiple discount was removed from your invoice. If this is incorrect please let me know what dongle number you purchased so that I can verify your eligibility for the multiple discount. Thank you.

Angela Phelps Bookkeeper

Advanced Geosciences, Inc.

Geophysical Survey Systems, Inc. P.O. Box 97, 13 Klein Drive



P.O. Box 97, 13 Klein Drive North Salem, NH 03073-0097 Phone: (603) 893-1109 Fax: (603) 889-3984

Toll Free:

Date: 11/17/99

Customer ID:

EARSYS

CUSTOMER STATEMENT

EARTH SYSTEMS TECHNOLOGIES, INC.

(800) 524-3011

4393 WESTGROVE

ADDISON, TX 75001 USA

Invoice	Invoice	Invoice		Current	Current
Date	Due Date	Number		Inv. Amt.	Inv. Balance
EARSYS 10/13/99	11/12/99	03597	Our#: 994655-00	\$5,900.00	\$4,400.00

 Current
 0-30
 31-60
 61-90
 Over 90
 Total Amount Due

 \$0.00
 \$0.00
 \$0.00
 \$0.00
 \$0.00
 \$4,400.00

EXHIBIT E

IECH DEVELOPMENT CORP.

45-001 Lilipuna Road Unit A

Kaneohe, HI 96744 Ph: (714) 840-7444 Fax: (714) 844-9255

Invoice

DATE	INVOICE NO.
3/15/2000	33535

BILL TO

Bryant Consultants, Inc.

Attn: Mike Gehrig

2033 Chenault Drive, Suite 150

Carrollton, TX 75006 Fax: 972-713-9171 SHIP TO

Bryant Consultants, Inc.

Attn: Mike Gehrig 4393 Westgrove Dr. Addison, TX 75001

Fax: 972-713-9019

PO Numb	er	TERMS	REP	SHIP DATE	SHIP VIA	FOB	Software Key
BCI-0315 EV	S-PRO	Net 10	RDC	3/15/2000	Federal Expr	Destination	228
ITEM		DESCR	IPTION		QTY	RATE	AMOUNT
EVS-PRO Shipping	EVS-P Ship or Out-of-	RO n Cust. FedEx state sale, exem	pt from sale	s tax		9,995.00 0.00 0.00%	9,995.00T 0.00T 0.00
•						Total	\$9,995.00

All prices are in U.S. Dollars.

GOLDEN SOFTWARE INC.

INVOICE

809 14th Street, Golden CO 80401-1866 Phone: 1-303-279-1021 Fax: 1-303-279-0909

Date:

: 07-Jun-01

SOLD TO:

SHIP TO:

John T Bryant Bryant Consultants Inc 4393 West Grove Addison, TX 75001 USA John T Bryant Bryant Consultants Inc 4393 West Grove Addison, TX 75001

nvoice Number	Customer	ID- Pay	ment Terms	Order Date	Ship Via
9550826	43188		VISA	07-Jun-01	UPS Second Day
Credit Card Nu	mber	Exp Date	Purchase	Order Number	Tax Exempt Number
441712300599	3257	0503			

Quantity	Product Name	Unit Price	ine Amount
1	SURFER for Windows Upgrade	\$139.00	\$139.00
		Subtotal:	\$139.00
		Colo Tax:	\$0.00
	. \	Shipping:	\$8.00
	() · () · ·	Addl Charges/Disc:	\$0.00
		Amount Paid:	\$147.00
` \	100 110	BALANCE DUE:	\$0.00

710-113-9109

CADVisions, Inc.

1950 Stemmons Frwy 5051 INFOMART Dallas, TX 75207

Invoice

DATE	INVOICE#
6/21/00	105158

BILL TO	
Bryant Consultants Inc Jamie Brown 4395 West Grove Addision TX 75001	

SHIP TO

Bryant Consultants Inc

Jamie Brown
4395 West Grove
Addision TX 75001

P.O. NUMBER	TERMS	REP	SHIP	SHIP VIA	F.O.E). P	PROJECT	
so3004	cod	DSM	6/21/00	best way				
QUANTITY	ITEM CODE	DESCRIPTION				PRICE EACH	AMOUNT	
1	acad2000 discount s&h general note	00120-016000 Product disco Shipping & Ha Please refer to the invoice. Telephone/Fa This price doe	unt andling o Terms and C x/Email Suppo as not include i	conditions on the ort is for 60 days installation, training ises noted on this	ng, or	3,750.00 -755.00 15.00	3,750.00 -755.00 15.00 0.00	
				······································	7	Fotal	\$3,258.33	

